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HOUSE BILL 1924

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Hunt and Condotta

Read first time 02/01/2007. Referred to Committee on Transportation.

1            AN ACT Relating to deficiency claim limits for impoundment services  
2 provided by registered tow truck operators; and amending RCW 46.55.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 46.55.140 and 1995 c 360 s 8 are each amended to read  
5 as follows:

6            (1) A registered tow truck operator who has a valid and signed  
7 impoundment authorization has a lien upon the impounded vehicle for  
8 services provided in the towing and storage of the vehicle, unless the  
9 impoundment is determined to have been invalid. The lien does not  
10 apply to personal property in or upon the vehicle that is not  
11 permanently attached to or is not an integral part of the vehicle  
12 except for items of personal property registered or titled with the  
13 department. The registered tow truck operator also has a deficiency  
14 claim against the registered owner of the vehicle for services provided  
15 in the towing and storage of the vehicle not to exceed the sum of  
16 (~~five hundred~~) one thousand dollars after deduction of the amount bid  
17 at auction, and for vehicles of over ten thousand pounds gross vehicle  
18 weight, the operator has a deficiency claim of (~~one~~) five thousand  
19 dollars after deduction of the amount bid at auction, unless the

1 impound is determined to be invalid. The limitation on towing and  
2 storage deficiency claims does not apply to an impound directed by a  
3 law enforcement officer. In no case may the cost of the auction or a  
4 buyer's fee be added to the amount charged for the vehicle at the  
5 auction, the vehicle's lien, or the overage due. A registered owner  
6 who has completed and filed with the department the seller's report as  
7 provided for by RCW 46.12.101 and has timely and properly filed the  
8 seller's report is relieved of liability under this section. The  
9 person named as the new owner of the vehicle on the timely and properly  
10 filed seller's report shall assume liability under this section.

11 (2) Any person who tows, removes, or otherwise disturbs any vehicle  
12 parked, stalled, or otherwise left on privately owned or controlled  
13 property, and any person owning or controlling the private property, or  
14 either of them, are liable to the owner or operator of a vehicle, or  
15 each of them, for consequential and incidental damages arising from any  
16 interference with the ownership or use of the vehicle which does not  
17 comply with the requirements of this chapter.

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